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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**
9

10 CORBY GWINN, individually and on behalf
of those similarly situated,

11 Plaintiff,

12 v.
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14 BUDGE STUDIOS, INC.,

15 Defendant.
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Case No. 5:24-cv-06616-PCP

STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING DEFENDANT
BUDGE STUDIOS, INC.'S TIME TO
RESPOND TO COMPLAINT AND
ADJOURNING INITIAL CASE
MANAGEMENT CONFERENCE

Date: December 16, 2024
Dept.: Courtroom 8 – 4th Floor
Judge: P. Casey Pitts
Date Filed: September 20, 2024
Trial Date: TBD

1 TO THE HONORABLE P. CASEY PITTS:

2 Pursuant to Civil Local Rules 6-2 and 7-12, and this Court's Standing Order for Civil
3 Cases, Plaintiff Corby Gwinn and Defendant Budge Studios, Inc., by and through their respective
4 counsel of record, hereby stipulate and request as follows:

5 WHEREAS, on October 4, 2024, the Court scheduled an Initial Case Management
6 Conference for the above-captioned action for January 7, 2025, with a Joint Case Management
7 Statement due by December 23, 2024.

8 WHEREAS, Plaintiff filed a returned summons on October 8, 2024, indicating that
9 Defendant was served on October 2, 2024;

10 WHEREAS, Defendant reserves all rights to contest the sufficiency of service of process
11 and this Court's jurisdiction over it and the matter;

12 WHEREAS, on October 21, 2024, the Court entered the parties' stipulation to extend
13 Defendant's time to respond to the Complaint to December 20, 2024;

14 WHEREAS, on October 15, 2024, Plaintiff served a demand letter pursuant to the
15 California Consumer Legal Remedies Act, Cal. Civ. Code § 1750, *et seq.* ("CLRA");

16 WHEREAS, on November 8, 2024, Defendant served a response to Plaintiff's demand
17 letter;

18 WHEREAS, in light of Defendant's response to Plaintiff's demand letter, the parties are
19 discussing a resolution of this matter;

20 WHEREAS, if the parties do not reach an amicable resolution, Plaintiff is contemplating
21 filing an amended Complaint;

22 WHEREAS, Defendant anticipates filing a motion to dismiss all claims in the Complaint
23 (or amended complaint, if applicable); and

24 WHEREAS, counsel for Plaintiff and counsel for Defendant have conferred and agreed to
25 extend Defendant's deadline to answer or otherwise respond to the Complaint to January 24, 2025,
26 and to hold the Initial Case Management Conference and related deadlines in abeyance until at
27 least 60 days after a hearing on Defendant's anticipated motion to dismiss.;

28 IT IS THEREFORE HEREBY STIPULATED that:

1 Defendant Budge Studio, Inc.'s deadline to respond to the Complaint shall be extended to
2 January 24, 2025. The Initial Case Management Conference is held in abeyance until at least 60
3 days after a hearing on Defendant's anticipated motion to dismiss. The deadline to file a Joint
4 Case Management Statement is adjourned accordingly.

5 DATED: December 16, 2024

Respectfully submitted,

6 ZIMMERMAN REED LLP

FRANKFURT KURNIT KLEIN + SELZ PC

7 By: /s/ Ryan Ellersick

By: /s/ Jeremy S. Goldman

8 Ryan Ellersick

Jeremy S. Goldman


~~[PROPOSED]~~ ORDER As Modified

PURSUANT TO STIPULATION, IT IS SO ORDERED THAT:

The deadline for Defendant Budge Studio, Inc.'s to respond to the Complaint shall be extended to January 24, 2025.

The Initial Case Management Conference scheduled for January 7, 2025, ~~is canceled and shall be held in abeyance until at least 60 days after a hearing on Defendant's anticipated motion to dismiss. The deadline to file a Joint Case Management Statement is adjourned accordingly.~~ is continued until April 15, 2025. The deadline to file the Joint Case Management Statement is April 1, 2025.

Dated: December 17, 2024
IT IS SO ORDERED.


HONORABLE P. CASEY PITTS
UNITED STATES DISTRICT COURT JUDGE